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Docket No.: M4065.0735/P735
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jin Li

Application No.: 10/653,222

Confirmation No.: 2741

Filed: September 3, 2003

Art Unit: 2815

For: MICROLENSSES FOR IMAGING DEVICES

Examiner: Edgardo Ortiz

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement set forth in the Office Action mailed March 21, 2005 (Paper No. 20050617), Applicants hereby provisionally elect Species III represented by FIG. 4, with traverse; at least claims 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 33, 36, 37, 38, 39, 40, 41, 42, 43, and 46 are readable on the elected species.

M.P.E.P. §803 directs as follows: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." The directive should be followed in this case. The Office Action fails to provide a *prima facie* basis for the election of species requirement, i.e., it does not explain that the inventions have a separate classification, or separate status in the prior art, or a different field of search as defined in M.P.E.P. § 808.02. See M.P.E.P. § 803 (Guidelines). Thus, claims 1-46 of the application can be examined together "without serious burden."

Applicants respectfully submit that at least some of the claims that are readable on the elected species (Species III) are generic to Species IV (FIG. 5) and Species V (FIGS. 10 and 11). For example, claim 18, as amended, recites a pixel cell comprising, *inter alia*, "a photosensor at a surface of a substrate; a microlens over said photosensor; said microlens

comprising: a first light transmissive layer having an output surface and a receiving surface, the receiving surface having a concavity therein; and a second light transmissive layer in the concavity; the second light transmissive layer having an input surface and a transmitting surface that meets the receiving surface at a boundary, wherein light entering the input surface is refracted toward said photosensor at the boundary before exiting the output surface.

Claim 18 reads on FIGS. 5, 10, and 11 (Species IV and V as defined by the Office Action). Applicants, therefore, submit that claims 24, 29, 34, 35, 44, and 45 should be examined along with the provisionally elected Species III listed above.

Applicants respectfully request that at least claims 18-30 and 33-46 be examined together in one application, should the Examiner maintain an election of species requirement.

Dated: April 21, 2005

Respectfully submitted,

By 

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